
HOUSE BILL 2406

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By Representatives O'Brien, Ballasiotes, Lantz, Delvin, Lovick, Hurst, Morell, Conway, Veloria, Miloscia, Talcott, Kirby, Woods, Haigh and Esser

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1 AN ACT Relating to a statewide registered sex offender web site;
2 amending RCW 43.43.540; reenacting and amending RCW 4.24.550; and
3 adding new sections to chapter 10.98 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 4.24.550 and 2001 c 283 s 2 and 2001 c 169 s 2 are
6 each reenacted and amended to read as follows:

7 (1) Public agencies are authorized to release information to the
8 public regarding sex offenders and kidnapping offenders when the agency
9 determines that disclosure of the information is relevant and necessary
10 to protect the public and counteract the danger created by the
11 particular offender. This authorization applies to information
12 regarding: (a) Any person adjudicated or convicted of a sex offense as
13 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
14 9A.44.130; (b) any person under the jurisdiction of the indeterminate
15 sentence review board as the result of a sex offense or kidnapping
16 offense; (c) any person committed as a sexually violent predator under
17 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
18 (d) any person found not guilty of a sex offense or kidnapping offense
19 by reason of insanity under chapter 10.77 RCW; and (e) any person found

1 incompetent to stand trial for a sex offense or kidnapping offense and
2 subsequently committed under chapter 71.05 or 71.34 RCW.

3 (2) The extent of the public disclosure of relevant and necessary
4 information shall be rationally related to: (a) The level of risk
5 posed by the offender to the community; (b) the locations where the
6 offender resides, expects to reside, or is regularly found; and (c) the
7 needs of the affected community members for information to enhance
8 their individual and collective safety.

9 (3) Local law enforcement agencies shall consider the following
10 guidelines in determining the extent of a public disclosure made under
11 this section: (a) For offenders classified as risk level I, the agency
12 shall share information with other appropriate law enforcement agencies
13 and may disclose, upon request, relevant, necessary, and accurate
14 information to any victim or witness to the offense and to any
15 individual community member who lives near the residence where the
16 offender resides, expects to reside, or is regularly found; (b) for
17 offenders classified as risk level II, the agency may also disclose
18 relevant, necessary, and accurate information to public and private
19 schools, child day care centers, family day care providers, businesses
20 and organizations that serve primarily children, women, or vulnerable
21 adults, and neighbors and community groups near the residence where the
22 offender resides, expects to reside, or is regularly found; (c) for
23 offenders classified as risk level III, the agency may also disclose
24 relevant, necessary, and accurate information to the public at large;
25 and (d) because more localized notification is not feasible and
26 homeless and transient offenders may present unique risks to the
27 community, the agency may also disclose relevant, necessary, and
28 accurate information to the public at large for offenders registered as
29 homeless or transient.

30 (4) The county sheriff with whom an offender classified as risk
31 level III is registered shall cause to be published by legal notice,
32 advertising, or news release a sex offender community notification that
33 conforms to the guidelines established under RCW 4.24.5501 in at least
34 one legal newspaper with general circulation in the area of the sex
35 offender's registered address or location. The county sheriff shall
36 also cause to be published consistent with this subsection a current
37 list of level III registered sex offenders, twice yearly. Unless the
38 information is posted on the web site described in subsection (5) of
39 this section, this list shall be maintained by the county sheriff on a

1 publicly accessible web site and shall be updated at least once per
2 month.

3 (5) The Washington association of sheriffs and police chiefs shall
4 create and maintain a statewide registered sex offender web site, which
5 shall be available to the public. The web site shall post all level 2
6 and 3 registered sex offenders in the state of Washington. The web
7 site shall contain, but is not limited to, the registered sex
8 offender's name, where he or she lives, relevant criminal convictions,
9 address, physical description, and photograph. The web site shall
10 provide mapping capabilities that display the sex offender's address on
11 a map. The web site shall allow citizens to search for registered sex
12 offenders within the state of Washington by county, city, zip code,
13 last name, type of conviction, and address.

14 (6) Local law enforcement agencies that disseminate information
15 pursuant to this section shall: (a) Review available risk level
16 classifications made by the department of corrections, the department
17 of social and health services, and the indeterminate sentence review
18 board; (b) assign risk level classifications to all offenders about
19 whom information will be disseminated; and (c) make a good faith effort
20 to notify the public and residents at least fourteen days before the
21 offender is released from confinement or, where an offender moves from
22 another jurisdiction, as soon as possible after the agency learns of
23 the offender's move, except that in no case may this notification
24 provision be construed to require an extension of an offender's release
25 date. The juvenile court shall provide local law enforcement officials
26 with all relevant information on offenders allowed to remain in the
27 community in a timely manner.

28 (~~(6)~~) (7) An appointed or elected public official, public
29 employee, or public agency as defined in RCW 4.24.470 (~~is~~), or units
30 of local government and its employees, as defined in RCW 36.28A.010,
31 are immune from civil liability for damages for any discretionary risk
32 level classification decisions or release of relevant and necessary
33 information, unless it is shown that the official, employee, or agency
34 acted with gross negligence or in bad faith. The immunity in this
35 section applies to risk level classification decisions and the release
36 of relevant and necessary information regarding any individual for whom
37 disclosure is authorized. The decision of a local law enforcement
38 agency or official to classify an offender to a risk level other than
39 the one assigned by the department of corrections, the department of

1 social and health services, or the indeterminate sentence review board,
2 or the release of any relevant and necessary information based on that
3 different classification shall not, by itself, be considered gross
4 negligence or bad faith. The immunity provided under this section
5 applies to the release of relevant and necessary information to other
6 public officials, public employees, or public agencies, and to the
7 general public.

8 ~~((+7))~~ (8) Except as may otherwise be provided by law, nothing in
9 this section shall impose any liability upon a public official, public
10 employee, or public agency for failing to release information
11 authorized under this section.

12 ~~((+8))~~ (9) Nothing in this section implies that information
13 regarding persons designated in subsection (1) of this section is
14 confidential except as may otherwise be provided by law.

15 ~~((+9))~~ (10) When a local law enforcement agency or official
16 classifies an offender differently than the offender is classified by
17 the department of corrections, the department of social and health
18 services, or the indeterminate sentence review board, the law
19 enforcement agency or official shall notify the appropriate department
20 or the board and submit its reasons supporting the change in
21 classification.

22 **Sec. 2.** RCW 43.43.540 and 1998 c 220 s 4 are each amended to read
23 as follows:

24 The county sheriff shall (1) forward the information, photographs,
25 and fingerprints obtained pursuant to RCW 9A.44.130, including any
26 notice of change of address, to the Washington state patrol within five
27 working days; and (2) forward any information obtained pursuant to RCW
28 9A.44.130 that is necessary to operate the registered sex offender web
29 site described in RCW 4.24.550 to the Washington association of
30 sheriffs and police chiefs within five working days of receiving the
31 information, including any notice of change of address. The state
32 patrol shall maintain a central registry of sex offenders and
33 kidnapping offenders required to register under RCW 9A.44.130 and shall
34 adopt rules consistent with chapters 10.97, 10.98, and 43.43 RCW as are
35 necessary to carry out the purposes of RCW 9A.44.130, 9A.44.140,
36 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The
37 Washington state patrol shall reimburse the counties for the costs of

1 processing the offender registration, including taking the fingerprints
2 and the photographs.

3 NEW SECTION. **Sec. 3.** The statewide registered sex offender web
4 site, as described in RCW 4.24.550 shall be operational no later than
5 six months after enough money has been placed into the statewide
6 registered sex offender web site account, as described in section 6 of
7 this act, to pay for: (1) The creation and operation of the statewide
8 registered sex offender web site; and (2) any necessary computer
9 upgrades each sheriff must make to electronically process the
10 information to the statewide registered sex offender web site.

11 NEW SECTION. **Sec. 4.** Every registered sex offender under RCW
12 9A.44.130 shall pay the county sheriff a quarterly fee of twenty
13 dollars for as long as the sex offender is required to register as a
14 sex offender. On a quarterly basis, the sheriff shall transmit fifty
15 percent of all registration fees collected to the state treasurer for
16 deposit into the statewide registered sex offender web site account
17 described in section 6 of this act.

18 NEW SECTION. **Sec. 5.** A registered sex offender that is more than
19 ninety days late in paying the county sheriff the quarterly fee, as
20 described in section 4 of this act, shall serve no more than ten days
21 in the county jail.

22 NEW SECTION. **Sec. 6.** The statewide registered sex offender web
23 site account is created in the custody of the state treasurer. All
24 receipts under section 3 of this act must be deposited into the
25 account. Expenditures from the account may be used only by the
26 Washington association of sheriffs and police chiefs for: (1) The
27 creation, operation, and maintenance of the statewide registered sex
28 offender web site as described in RCW 4.24.550; and (2) the purchase of
29 any equipment and services necessary to upgrade each county sheriff's
30 computer system to allow electronic submission of the information to be
31 posted on the web site. The account is subject to allotment procedures
32 under chapter 43.88 RCW, but an appropriation is not required for
33 expenditures.

1 NEW SECTION. **Sec. 7.** Sections 3 through 6 of this act are each
2 added to chapter 10.98 RCW.

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